

FRIDAY, FEBRUARY 21, 1997

# Bullet in King Killing May Get Scrutiny

## Judge Denies Request for Trial but Says Tests Could Reopen Case

By B. DRUMMOND AYRES Jr.

MEMPHIS, Feb. 20 — James Earl Ray's lawyers went back to court today with their eighth request that he be given a new trial in the murder of Dr. Martin Luther King Jr. — this time with a new ally, Dr. King's widow, Coretta Scott King.

They were not granted their plea this time, either, despite a warning that life's hours were running out for Mr. Ray, who is critically ill with a liver ailment. But the judge did agree to ask an appeals court to rule on whether new tests should be conducted on the bullet that killed Dr. King to determine whether it was fired from a recovered rifle that bore Mr. Ray's fingerprints.

Judge Joseph Brown said that in his judgment, the new tests, involving new technology, were "theoretically capable" of shedding new light and reopening the case.

Mrs. King, speaking after years of silence about Mr. Ray's legal maneuvering, took the stand this morning and, acknowledging the incongruity of her appearance on his behalf and behest, said, "We call for the trial that never happened."

Then, her voice urgent and crackling with emotion, she warned that "the tragedy would be compounded" should Mr. Ray go to his grave without being pressed one final time in court to tell all he knows about what happened just down the street at the Lorraine Motel on April 4, 1968.

In the name of justice, brotherhood and closure, she went on, now looking directly at Judge Brown, of Shelby County Criminal Court, Mr. Ray's request for a new trial should be granted so that "the nation will know that justice has run its course in one of the most important crimes in American history."

And in any event, she argued, a new trial, whatever its outcome, would be a psychic purgative for the nation, an opportunity not only to seek answers to a 29-year-old crime puzzle but also an opportunity to explore the nature of the racism that led to that crime and that burdens both blacks and whites to this day.

Mrs. King said her family had tried for years to steer clear of Mr.

Ray's appeals, especially after he recanted his confession. After that confession, he pleaded guilty and, without a full trial, was sentenced to 99 years in prison.

But since then, he has contended that he had been made a "patsy" and blamed the assassination on a mysterious band of conspirators. But Mrs. King said that now, with Mr. Ray standing on death's stoop and many questions about her husband's assassination still unanswered, the King family decided to join in the effort to have a full trial scheduled.

"I am sure you can understand how painful this is," she said.

She rose and slowly, with evident deliberation, almost effort, returned

### *The widow of a civil rights leader testifies at the behest of his convicted killer.*

to her seat in the courtroom, next to her son Dexter, who several weeks ago had said his family would favor reopening the case but gave no indication any member would testify in a hearing called by Mr. Ray.

Dexter King then rose and took the stand, telling the court that "time is of the essence here."

"I guess you could say our family has been in denial," Mr. King went on, speaking of the family's long silence about a new trial. "But if this is such an open-and-shut case, why are we still asking questions?"

"It is right, for the sake of truth and justice that there be a trial to get at the truth, the whole truth, and nothing but the truth. Nothing but the truth will set us free."

Sitting in the courtroom row behind the Kings was Jerry Ray, one of James Earl Ray's brothers. He did not testify. After today's hearing was over, he joined the Kings at a news conference, saying little other than to offer a "thank you" to the King fam-

ily for coming to Memphis today.

As today's court session ended, Judge Brown told Mr. Ray's lawyers and the Kings that he could not order a new trial because today's hearing technically concerned only whether new tests should be ordered on the bullet that killed Dr. King.

When Mr. Ray recanted his confession, he insisted that tests of the bullet would prove it did not come from any gun ever in his hands.

Still, Judge Brown held that new tests on the bullet "just possibly" might help Mr. Ray make his case and said he would forward the record of today's hearing to the appeals court above him, which he said had the legal authority to order such a test.

Under Tennessee law, old criminal cases can be reopened in some instances if a court is convinced that new evidence-testing technology, developed since the original trial, could obtain results that could help clear the defendant.

Mr. Ray's lawyers argued today that new microscopic scanning techniques had come into being in recent years would give a better reading on whether the bullet that killed Dr. King was fired from a rifle that was picked up near the slaying scene and bore Mr. Ray's fingerprints.

Original tests of the bullet and the rifle were inconclusive.

"We would like to have the opportunity to put it to the test," William F. Pepper, Mr. Ray's chief lawyer, said. "We believe there is a real opportunity that we could exclude this rifle. We have no other recourse, no other avenue open to us, as we seek a test. Let us go forward as quickly as possible."

Countering that claim by Mr. Ray, Shelby County prosecutors told Judge Brown that there were no genuinely new testing techniques available. They said the techniques cited by Mr. Ray's lawyers were unlikely to produce new results and were not in common use by evidence experts.

"This so-called new technology is not really all that new," said John Campbell, the Shelby County Assistant District Attorney General.